

REMARKS

In the response claims 1, 8, 11, and 45 have been amended, claims 4-7, 10-13, 14, 18-30, and 40-44 have been canceled, and new claims 50-56 have been added. No new matter has been added to the application as part of this amendment.

The Office Action

In the office action dated December 14th, 2005, the Examiner rejected claims 4, 28, and 40-44 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. In view of the above amendment, this ground for rejection is now deemed moot and Applicant requests that the Examiner reconsider this rejection.

In the aforementioned office action, the Examiner rejected claims 41-44 under 35 U.S.C. § 101 as being the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. § 101. In view of the above amendment, this ground for rejection is now deemed moot and Applicant requests that the Examiner reconsider this rejection.

The Examiner rejected claims 1-3, 5-8, 10, 13, 19-26, 28, 34, 35, and 45 under 35 U.S.C. § 102(b) as being anticipated by Caprotti, U.S. Patent 6,248, 142. According to the Examiner, Caprotti teaches a jet fuel composition comprising from 10-10000 ppm of an alkylated phenol of a chemical structure as shown and described in the following sections of Caprotti: abstract, col. 1, lines 55-65, col. 2, lines 28-44, col. 3, lines 30-39, and claim 1.

Applicants have amended the independent claims 1 and 45 of the application to include subject matter not disclosed in the Caprotti reference. For instance, Caprotti does not disclose that the alkyl group may be a branched alkyl group. Due to the fact that the reference does not disclose each and every element of the amended independent claims, Applicants traverse this ground for rejection.

The Examiner also rejected claims 1-5, 7-9, 11-18, 27, 34, 35, and 45 under 35 U.S.C. § 102(b) as being anticipated by Machleder, U.S. Patent 4,134,846. According to the Examiner, Machleder teaches a fuel composition comprising a polyalkylene phenol.

The Examiner states that the phenol is present in the fuel at a concentration of about 100 to 650 ppm and that the and the polyalkylene phenol substituent has a molecular weight of about 500 to 3000 and may be polyisobutylene.

The Machleder reference discloses that the phenolic additive is mixture of the polyalkylene phenol and the adduct. The Applicants have amended the independent claims such that the claimed phenolic additive is the phenolic compound and not the phenolic compound mixed with one or more other compounds. The Machleder reference does not disclose that the additive may only be the phenolic compound. Machleder discloses that the additive contains other compounds than just the phenolic compound. For at least the above reason, Applicants traverse the ground for rejection due to the fact that the reference does not disclose each and every element of the independent claims pending in the case, per this response.

Additionally, the Examiner rejected claims 1-3, 5-17, 19-26, 29, 30, 34-40, and 45 under 35 U.S.C. § 103(a) as being unpatentable over Jackson, U.S. Patent Application 20050115146. The Examiner states that Jackson teaches a hydrocarbon fuel composition comprising an antioxidant such as 4-methyl-2,6-di-t-butylphenol, a coupled alkyl phenol, as described on page 3 of the reference publication. According to the Examiner, the additive composition is present in the fuel in an amount of 0.1-40,000 ppm.

In reviewing the reference, Applicants state that the reference does not teach, suggest, or disclose the elements of the amended independent claim or the new independent claims. Also, there is no motivation to modify the teachings of the reference to arrive at the claimed invention. For instance, the reference does not teach that the phenolic compound may include a branched alkyl or that the molecular weight of the branched alkyl may range from 500 to 2500. For at least these reasons, the Applicants traverse the grounds for the rejection and request that the Examiner reconsider the rejection.

CONCLUSION

For the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 1-3, 8, 9, 11, 12, 15-17, 31-39, 45, and 50-56) are now in condition for allowance, reconsideration of the application as amended is requested.

Respectfully submitted,

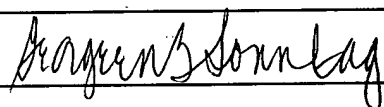
FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP

June 14, 2006

Date



Timothy R. Krogh, Reg. No. 40,688
1100 Superior Avenue, Seventh Floor
Cleveland, OH 44114-2579
216-861-5582

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence (and any item referred to herein as being attached or enclosed) is (are) being	
<input checked="checked" type="checkbox"/>	deposited with the United States Postal Service as First Class Mail, addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
<input type="checkbox"/>	transmitted to the USPTO by facsimile in accordance with 37 CFR 1.18 on the date indicated below.
	Signature: 
Date: June 14, 2006	Name: Georgeen B. Sonntag

N:\YOUZ\200087\TRK0000013V001.doc